

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CYNTHIA HOOPS,)	
)	
Plaintiff,)	
)	
vs.)	No. 4:16-cv-01543-AGF
)	
MEDICAL REIMBURSEMENTS OF)	
AMERICA, INC. and MERCY)	
HOSPITALS EAST COMMUNITIES,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's motion (ECF No. 85) to quash Defendant Mercy Hospitals East Communities' subpoena for documents, directed to Plaintiff's expert, attorney Theresa Appelbaum, to the extent the subpoena requests Appelbaum's files and correspondence concerning billing for clients involved in motor-vehicle accidents who received medical treatment and had both commercial health insurance and automobile insurance medical-payments coverage. Plaintiff asserts that the documents at issue contain information protected by the attorney-client privilege, as well as private client health information.

The motion will be denied without prejudice, pursuant to Local Rule 37-3.04(A), which states that the Court will not consider any motion related to discovery and disclosure unless the motion contains a statement that movant's counsel has conferred in person or by telephone with the opposing counsel in good faith or has made reasonable efforts to do so, but that after sincere efforts to resolve their dispute, counsel are unable to reach an accord.

See also Boaz v. FE Express, LLC, No. 4:15-CV-1271 CAS, 2016 WL 2733121, at *2 (E.D. Mo. May 11, 2016) (“None of the motions to quash [subpoenas duces tecum] include a certification that defendant’s counsel in good faith conferred or attempted to confer with plaintiff’s counsel concerning the subpoenas. As a result, defendant failed to comply with Local Rule 3.04(A).”). Pursuant to Rule 3.04(A), the statement must recite the date, time, and manner of such conference, and the names of the individuals participating therein, or must state with specificity the efforts made to confer with opposing counsel.¹

Accordingly,

IT IS HEREBY ORDERED that Plaintiff’s motion to quash Defendant Mercy Hospitals East Communities’ Subpoena to Theresa Appelbaum is **DENIED without prejudice**, pursuant to Local Rule 37-3.04(A). ECF No. 85.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 28th day of July, 2017.

¹ The Court also notes that Plaintiff’s motion provides no information regarding the volume of discovery involved, the burden of redacting such information to protect any privileged information, or the need for additional protection of confidential information beyond the Stipulated Protective Order agreed to by the parties and entered by the Court (ECF Nos. 48-1 & 51).